

# Chemical-Data Plan Catalyzes Opposition

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Opposition is growing to a Bush administration plan to change the reporting requirements of a highly successful public information program that collects data annually on releases of toxic chemicals.

Since 1988, the Toxics Release Inventory has been a roadmap for individuals and community groups interested in pinpointing where the country's most-polluting facilities are located. Some have used the data to pressure companies to clean up their acts. By 2003, 4.4 billion pounds of releases were reported, a 42 percent decline from 1998.

The Reagan administration started the inventory in response to the 1984 chemical disaster at a Union Carbide plant in Bhopal, India. The current *Environmental Protection Agency* system requires annual reporting on 650 chemicals that companies release, dispose of, use, store and recycle. Some 23,000 facilities submitted 91,000 forms last year.

Those interested in the data can go to an EPA Web site and tap in their Zip code to see which facilities have reported in their area. The site received 7,666 visits in November. Users include medical researchers, investment analysts, the insurance industry, regulators, consultants, states and localities, and the public, according to the EPA.

Some companies like the program and advertise results on their Web sites when pollution tallies decline or some goal is met. *Michael Walls*, manager of regulatory and technical affairs for the *American Chemistry Council*, said, "It's one of the most successful regulatory programs we have been involved in."

But the applause has not stopped the business community -- particularly small business -- from pushing over the past decade to reduce the "burden" of having to fill out a five-page form for each chemical they use every year. This form includes detailed information on the quantity of the chemical, how it is made and processed, and how much of it is released.

After considering several options, the agency in October proposed changes that would allow more companies to file a shorter report, known as Form A, which contains less information about their use of toxic chemicals. Instead of having to file the full report if they use more than 500 pounds of certain chemicals, the proposed rule would raise the reporting threshold to 5,000 pounds. If implemented, some 6,500 facilities could convert to the short form, reducing filing time by an average of 25 hours for each company that makes the change.

Under the EPA proposal, Form A also could be used, for the first time, for reporting on the most dangerous of industrial chemicals -- such as lead and mercury -- as long as there are no emissions and they amount to less than 500 pounds. Dioxin and dioxin-like compounds could not be reported on the short form. Environmental groups said filling out Form A is little more than certification that there are chemicals on site in quantities less than a specified amount.

The agency will take comments on the proposal until Jan. 13.

The agency dropped another bombshell at the same time, telling Congress that it is thinking about eliminating annual filing in favor of every other year. A formal proposal on that idea wouldn't be issued until next fall. The EPA said allowing companies to report every other year would save \$1 million annually and would benefit users because the data could be supplemented with additional analysis and improved reporting software.

The twin ideas prompted outrage from environmental and public-interest groups. The Internet has been crackling with "alerts" from e-mail campaigns against the proposals. Groups are aligning themselves with members of Congress such as *Sen. James M. Jeffords (I-Vt.)* who accused the EPA of launching a "frontal assault" on the program.

"We are going to try and convince EPA this is a really bad set of changes. They have been unreasonable, and they haven't listened to anyone. They are trying to fix a problem where there is none," said *Sean Moulton*, senior policy analyst with *OMB Watch*, a watchdog group that monitors government policy.

*Kimberly T. Nelson*, the EPA's assistant administrator for the *Office of Environmental Information*, said the effect of increasing use of the short form would be minor. "We would get 99 percent of the information we get today. There is less detailed information, but it's like a rounding error on all the emissions we currently collect." She said the EPA is not "gutting" the program as some opponents have charged.

*Meghan Purvis*, environmental health advocate for *U.S. Public Information Research Group*, another nonprofit advocacy group, said an analysis of the rule's effect showed that 922 of the nation's more than 33,000 residential Zip codes would lose 100 percent of detailed pollution data if companies migrated to the short form. Purvis said allowing short-form filing for small amounts of chemicals would not change their dangers.

On Nov. 10, six members the Senate wrote EPA Administrator *Stephen L. Johnson* that they were "troubled" about the EPA's intentions to modify the frequency of reporting and to allow the filing of more short forms, especially for certain especially dangerous industrial chemicals.

Environmental and community groups, in particular, consider the reporting program a great success. And it has become even more useful since the agency has required reports on more chemicals and from more industrial sectors, including mining and electrical utilities.

The business community interprets those results in an entirely different way.

*Andrew Langer*, a lobbyist with the *National Federation of Independent Business*, said more than half of the facilities that would be affected by more short-form reporting "are really small emitters of anything."

"That gets to the crux of why we are asking for TRI reform. Those at the small end of the spectrum will be really helped," he said.

Walls of the American Chemistry Council said the cost of reporting is in the calculations, not filling out the forms. He said it costs industry about \$650 million annually to comply with the program. "Now the question is, are we getting \$650 million out of the program and can additional efficiencies be gained?" he asked.

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